

Daniel C. Oliverio
Chairman
Direct Dial: 716.848.1433
Direct Facsimile: 716.819.4752
DOliverio@hodgsonruss.com

September 27, 2017

Via CM-ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Joseph Percoco, et al.*, No. 16-CR-776 (VEC) (S.D.N.Y.)

Dear Judge Caproni:

We represent Defendant Louis Ciminelli. We write on behalf of Mr. Ciminelli, Defendant Kevin Schuler, and Defendant Michael Laipple (the “Buffalo Defendants”), in response to the Order at Docket 320.

The Buffalo Defendants do not wish to withdraw any of their motions. All of the charges against them should be dismissed or, in the event they are not, the charges should be transferred to the Western District of New York.

In light of the new language in the Second Superseding Indictment, we would like to file a supplemental memorandum of law demonstrating that the Buffalo Defendants’ motions to dismiss the charges against them (Dkt. 219) and for disclosure of the grand jury transcripts (Dkt. 223) are more meritorious than ever. We respectfully propose that the Court set October 10, 2017 as the deadline for a supplemental submission, with October 24, 2017 set for the government’s response, and October 31, 2017 set for the Buffalo Defendants’ reply. We respectfully request that the Court schedule oral argument on the Buffalo Defendants’ motion to transfer (Dkt. 91), their motion to dismiss, and their motion for disclosure of the grand jury transcripts.

Respectfully submitted,

s/Daniel C. Oliverio

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DCO/nm

cc: All counsel of record (*via CM-ECF*)